

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

ANN FELLOWS,)	
)	
)	
Plaintiff,)	
)	
v.)	No. 15-314 Erie
)	
BARCLAY’S BANK)	
)	
)	
Defendant.)	

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES Plaintiff, ANN FELLOWS ("Plaintiff"), by and through her attorneys, and for her Complaint against Defendant, BARCLAY’S BANK ("Defendant"), Plaintiff hereby allege as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* ("TCPA").

Jurisdiction and Venue

2. Jurisdiction of this court arises pursuant to 28 U.S.C. § 1331.
3. Defendant conducts business in the State of Pennsylvania thereby establishing personal jurisdiction.
4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

Parties

5. Plaintiff Ann Fellows is a natural person residing in Erie, Pennsylvania.
6. Defendant is a business entity with its principal place of business in Wilmington, Delaware.

7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Factual Allegations

8. In or around 2015 Defendant started placing telephone calls to Plaintiff on her cellular telephone at (814) 397-26xx.

9. Defendant placed telephone calls to Plaintiff from the telephone number (866) 456-0695.

10. All of Defendant's telephone calls to Plaintiff were placed using an automatic telephone dialing system or other equipment capable of storing and producing telephone numbers at random or sequential periods to be dialed ("auto dialer").

11. On or around September 18, 2015 at approximately 9:12 a.m., Plaintiff called Defendant at (866) 456-0695 and spoke with a female employee identifying herself as Helena.

12. Plaintiff instructed Defendant to stop calling her on her cellular telephone and only correspond with her in writing.

13. Defendant continued to use an auto dialer to call Plaintiff on her cellular telephone, despite her request, at least two hundred (200) times since September 18, 2015.

14. Plaintiff is annoyed and feels harassed by Defendant's repeated calls to her cellular telephone after she instructed Defendant to stop.

CLAIM FOR RELIEF

Count I – Telephone Consumer Protection Act

15. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

16. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- (1) Statutory damages in the amount of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);
- (2) Statutory damages in the amount of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
- (3) All court costs, witness fees and other fees incurred;
- (4) Awarding such other and further relief as may be just, proper and equitable.

Dated: December 29, 2015

Respectfully submitted,

By: /s/ Michael Siddons
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